

PROB. 12B  
(7/93)

**ORIGINAL**  
**United States District Court**

for the

**DISTRICT OF HAWAII**

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII  
OCT 25 2007  
at 2 o'clock and 1 min. M.  
SUE BEITIA, CLERK

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**

*(Probation Form 49, Waiver of Hearing is Attached)*

Name of Offender: CHARLIE HISATAKE

Case Number: CR 04-00088HG-01

Name of Sentencing Judicial Officer: The Honorable Helen Gillmor  
Chief U.S. District Judge

Date of Original Sentence: 9/2/2004

Original Offense: Possession With Intent to Distribute 50 Grams or More of  
Methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and  
b(1)(A), a Class A felony

Original Sentence: Seventy-four (74) months imprisonment and five (5) years  
supervised release with the following special conditions: 1) That  
the defendant participate in a substance abuse program, which  
may include drug testing at the discretion and direction of the  
Probation Office; 2) That the defendant provide the Probation  
Office access to any requested financial information; and 3) That  
the defendant is prohibited from the possession and use of alcohol.

Type of Supervision: Supervised Release

Date Supervision Commenced: N/A

**PETITIONING THE COURT**

[X] To modify the conditions of supervision as follows:

- 4) *Charlie Hisatake shall participate in an outpatient substance abuse treatment and counseling program that includes urinalysis, saliva and/or sweat patch testing, as directed by the Probation Officer. Charlie Hisatake shall abstain from using illicit drugs, alcohol, and abusing prescription medications during the period of supervision; further, as directed by the Probation Officer, Charlie Hisatake shall pay all or part of the costs of treating the offender's drug and/or alcohol dependency to the aftercare contractor during the period of community supervision, pursuant to 18 U.S.C. § 3672; he shall provide payment and proof of payment as*

*directed by the Probation Officer; additionally, Charlie Hisatake, as a condition of supervision, shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, not to exceed eight tests per month, as directed by the probation officer, pursuant to 18 USC 3583 (d).*

### CAUSE

The subject is currently still completing his term of incarceration. On 10/1/2007, our office received a letter from the Probation Office in the Central District of California (CD/CA) indicating that the subject has requested to reside in their district upon his release from custody on 6/23/2008. The subject reportedly intends to permanently reside in the CD/CA.

The CD/CA Probation Office conditionally accepted the subject's case contingent upon the imposition of a special condition to include outpatient substance abuse treatment and alcohol abstinence. Additionally, in light of U.S. vs. Stephens, the probation officer is requesting the authority to continue random drug testing outside of treatment in order to monitor the subject's compliance.

The subject's criminal history includes a conviction for Driving Under the Influence of Alcohol/Drugs, an additional arrest for Driving Under the Influence of Alcohol/Drugs, and a nightclub altercation. The subject's substance abuse history includes alcohol and marijuana use. As a result, we respectfully recommend that the Court modify the conditions of supervised release as requested by the CD/CA. The additional special condition will aid in the subject's supervision once released from custody.

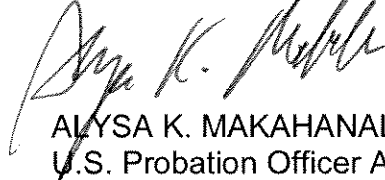
In addition to the imposition of the additional special condition, the CD/CA is requesting that jurisdiction be transferred to their district. The transfer of jurisdiction will expedite any future matters which may require the Court's attention. Should the Court concur with the request to transfer jurisdiction in this case, Your Honor's signature is requested on both originals of Probation Form 22, Transfer of Jurisdiction

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Attached is a signed Waiver of Hearing to Modify Conditions of Supervised Release. The subject waives his right to a hearing and to assistance of counsel. The subject agrees to the modification of the conditions of supervised release. The subject's attorney and the U.S. Attorney's Office have been notified of the proposed modification and have no objections to the modification.

Respectfully submitted by,



ALYSA K. MAKAHANALOA  
U.S. Probation Officer Assistant

Approved by:



TIMOTHY M. JENKINS  
Supervising U.S. Probation Officer

Date: 10/22/2007

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THE COURT ORDERS:

- ☒ [ X ] The Modification of Conditions as Noted Above  
☐ [ ] Other



HELEN GILLMOR  
Chief U.S. District Judge

10.25.07  
Date

PROB 49  
(3/89)

RECEIVED

# United States District Court

07 OCT -1 A11:46

\_\_\_\_\_ District \_\_\_\_\_ of Hawaii

## Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

Charlie Hisatake shall participate in an outpatient substance abuse treatment and counseling program that includes urinalysis, saliva and/or sweat patch testing, as directed by the Probation Officer. Charlie Hisatake shall abstain from using illicit drugs, alcohol, and abusing prescription medications during the period of supervision; further, as directed by the Probation Officer, Charlie Hisatake shall pay all or part of the costs of treating the offender's drug and/or alcohol dependency to the aftercare contractor during the period of community supervision, pursuant to 18 U.S.C. § 3672; he shall provide payment and proof of payment as directed by the Probation Officer; additionally, Charlie Hisatake, as a condition of supervision, shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, not to exceed eight tests per month, as directed by the probation officer, pursuant to 18 USC 3583(d).

Witness *[Signature]*  
U.S. Probation Officer

Signed *[Signature]*  
Probationer or Supervised Releasee

9/01/07  
Date